

1 A I have no idea.

2 Q Do you know if it's still operating?

3 A I presume it is. I didn't tell anybody to turn it
4 off and I supposedly have that right, but I didn't ever tell
5 anyone to turn it off.

6 Q Who told you you had the right to tell someone to
7 turn it off?

8 A I kind of learned that through these hearings, et
9 cetera and so forth. They keep telling me that I am the
10 ultimate control of it.

11 Q Prior to the hearings did you know that you had a
12 right to have that station turned off?

13 A No, I did not.

14 Q Were you ever told that you could go to the Allen
15 site and turn the station off?

16 A No.

17 Q Would you know how to do that?

18 A No.

19 Q As far as you know, has your station ever broken
20 down?

21 A We've sent people to the Allen site, service
22 personnel have been dispatched to the Allen site to repair
23 repeaters. Now whether or not it was mine or not, I don't
24 know.

25 Q Have you received any information about your

1 station since you left DLB?

2 A No, I have not.

3 Q Prior to leaving DLB did you ever specifically
4 receive -- strike that. Did you ever receive any
5 information that was specific to your station where they
6 told you this is information, Sue, about your station?

7 A No, I did not.

8 Q I believe you stated that you received a copy of
9 the Net Wave petition.

10 A Yes, I did.

11 Q Turn to page one and tell me if that's the
12 petition you're talking about when you said Net Wave
13 petition.

14 A In this book?

15 Q In the one that's got the numbered tabs.

16 THE COURT: That's all the way in the front, of
17 course, now that you're all the way in the back.

18 THE WITNESS: We started at the wrong end, didn't
19 we?

20 (Pause)

21 THE WITNESS: Okay, this appears to be what I
22 received in regards to the Net Wave investigation, yes.

23 BY MS. LANCASTER:

24 Q Look at Exhibit 2. That's called an Opposition.
25 It's entitled Opposition.

1 Have you seen that before?

2 A No, -- Well, I saw it at the deposition.

3 Q Was that the first time you'd seen it?

4 A Yes, it is.

5 Q Did you authorize the filing of the Opposition on
6 your behalf?

7 A No, I did not.

8 Q Tell me what you know about anything being filed
9 on your behalf.

10 A The only thing that I know that was filed on my
11 behalf was a maybe two page question and answer paper, and
12 then part of it was a statement stating that Ronald's
13 attorneys would represent me in the matter of that question
14 and answer paper.

15 Q Is your testimony that you received some sort of
16 question and answer paper?

17 A Well, I received a paper that had questions on it
18 and answers on it. But I didn't get asked the questions and
19 then provide the answer and it was written down or typed
20 out. It was already -- a question and answer were there
21 when it was given to me.

22 Q Turn to Exhibit 21 -- I'm sorry, turn to 59 first.
23 Do you recognize that?

24 A No, not really.

25 THE COURT: Take as much time as you need to

1 review it.

2 (Pause)

3 THE WITNESS: No, I never saw this document like
4 this.

5 THE COURT: When you say like this, what did you
6 mean?

7 THE WITNESS: I think the one that I'm referring
8 to, the one that I remember had some questions like this on
9 it, but they already had the answers provided after each
10 question. So this is not a document that I've seen before.

11 THE COURT: In other words what you saw was a
12 document that repeated the question --

13 THE WITNESS: It had a question, and then it had
14 supposedly what my response was to that question already on
15 it -- typed and ready for my signature stating that this is
16 what I said. But there's a document somewhere that I
17 brought to you that has changes on it.

18 BY MS. LANCASTER:

19 Q Look at Exhibit 21, page 14.

20 (Pause)

21 Q Fourteen through 17. Look at that.

22 A Now that document I do recognize.

23 Q When did you first see that document?

24 A I don't remember the date specifically, but I
25 should have a signature back here.

1 Q I believe on page 17 --

2 A Okay, yeah. And, so this shows that I saw this
3 document on October 12th and that's when I signed it.

4 Q So you reviewed this prior to it being submitted
5 the FCC?

6 A It was given to me for me to read and sign. And
7 yes, I did review it. But I did not feel that the answers
8 that were provided were phrased in the way that I would have
9 answered the question, so I made handwritten changes on it
10 and initialed them, signed the document, and gave it back to
11 Ron.

12 Q When you returned it to Ron, it did not look, page
13 14 and 15 did not look like this, is that what you're
14 saying?

15 A That's right. When I gave it back to Ronald there
16 were handwritten entries made on it that I made and
17 initialed.

18 Q Are those entries contained on page 14 and 15 now?

19 THE COURT: Why don't you take your time and read
20 it.

21 THE WITNESS: Okay.

22 (Pause)

23 THE WITNESS: No, I don't even think these are the
24 way that I wrote out the changes. They don't seem to -- Do
25 we not have a copy of -- I'm sorry.

1 These do not appear to be the exact way that I
2 made the changes, no.

3 BY MS. LANCASTER:

4 Q So is it your testimony that these responses do
5 not accurately reflect your responses to these questions?

6 A No. It does not.

7 Q But it's my understanding that you did sign on
8 page 16, is that correct?

9 A Yes, that's my signature.

10 Q And you did sign on page 17?

11 A Yes, that's my signature.

12 THE COURT: Do you want to take a break?

13 Let's take a little break.

14 (Pause)

15 THE COURT: We're back on the record.

16 Mrs. Lancaster?

17 BY MS. LANCASTER:

18 Q Ms. Lutz, I believe you were looking at Exhibit
19 21, responses to, that were filed with the Commission, and
20 you indicated that pages 14 and 15 did not reflect the
21 changes that you had made once this draft had been sent to
22 you.

23 A The changes that I had made in the document that I
24 had thought I had signed.

25 Q When you made those changes, had you made

1 substantive changes, or had you just changed the way the
2 question was answered so that the same information was
3 being --

4 A A lot of the same information was being given
5 but --

6 The way the answers were worded, it's not the way
7 I would have answered the question, so I went back and
8 changed it to the way that I felt like I would have actually
9 answered the question and I initialed that document in each
10 of those changes.

11 Q It's my understanding that you intended --

12 THE COURT: Try not to lead.

13 BY MS. LANCASTER:

14 Q On page 16 your signature where you signed, where
15 it says further affianced sayeth not?

16 THE COURT: Right at the very top.

17 THE WITNESS: Okay.

18 BY MS. LANCASTER:

19 Q That went with --

20 A That went with the document that had been given to
21 me and I made handwritten changes, initialed the handwritten
22 changes. It went with that document. Not any other
23 document. I was not going to -- Those changes as far as I
24 knew were not going to be retyped and put on another piece
25 of paper to accompany this signature paper.

1 Q Ms. Lutz, turn to Exhibit 63, please. Do you
2 recognize Exhibit 63?

3 A This appears to be a letter that I wrote in
4 response to the receiving of the FCC inquiry in regards to
5 my channel and Ron Brasher's and David Brasher's and all the
6 other channels involved in this investigation. As best that
7 I can tell.

8 Q Look on page five of Exhibit 63.

9 A Okay.

10 Q Did you intend to sign your name at the end of
11 this document?

12 A I absolutely did.

13 Q Was it an oversight that your name was left off?

14 A Yes, that's correct.

15 Q And did you send this document to the FCC?

16 A Yes, I did.

17 Q Does this document accurately reflect your
18 testimony?

19 A Yes, it does.

20 Q The facts in it are true?

21 A Yes, it is.

22 Q Look at Exhibit 64.

23 A This appears to be the second letter that I sent
24 to the FCC in response to the investigation where I waived
25 my right to a hearing.

1 Q Page two of this document, is that your signature?

2 A Yes, it is.

3 Q Did you have help drafting either Exhibit 63 or
4 64?

5 A Yes, I did.

6 Q Who helped you?

7 A My father-in-law helped me. His name is Bruce
8 Lutz.

9 Q And why did you get help from him?

10 A My father-in-law is an attorney. He is a patent
11 attorney. I did not ask him for legal advice because
12 certainly he's not capable, I don't guess, of advising me in
13 all legal matters. It's just that he understood some of the
14 phraseology that was in the documents that I had received
15 and could explain those, what that meant to me, and
16 therefore was better able to help me draft a response.

17 Q Did he draft it and the you just sign it?

18 A No. I typed the documents. I typed both of the
19 documents. He read them, he made suggestions, change this,
20 put this word in versus that, and I would go back and make
21 changes. It was more or less a collaborative effort between
22 the two of us, but I did actually type the document myself.

23 Q The substantive, what's conveyed in substance by
24 the document, are those your words and thoughts or are they
25 his words and thoughts?

1 A They're mostly my words and thoughts. Some he
2 just added and said I suggest you put that in.

3 Q He helped you with the wording, is that what
4 you're saying?

5 A He helped me with wording.

6 THE COURT: Did he help you with facts?

7 THE WITNESS: No, he did not. He had no knowledge
8 of facts other than the ones that I gave him.

9 BY MS. LANCASTER:

10 Q Did you ask him to review the Net Wave petition?

11 A No, I didn't.

12 Q So had he seen any documents regarding this matter
13 aside from the two that he helped you draft?

14 A Whenever I went to him to ask his advice about
15 doing this document, I may have taken the Net Wave
16 paperwork, or some Net Wave paperwork with me, but I don't
17 actually recall it. I do know he saw the order to show
18 cause thing that initiated these two responses from me.

19 Q Okay.

20 MS. LANCASTER: One moment, Your Honor.

21 (Pause)

22 BY MS. LANCASTER:

23 Q Ms. Lutz, you've testified that as far as you were
24 concerned, this was not your station. Is that how I
25 understand your testimony?

1 A Yes, it is.

2 Q Did you ever try to sell the station?

3 A Absolutely not. It was not my station, and
4 therefore I couldn't sell it.

5 Q So you never called up anybody to try to find out
6 how much money you could get for the station?

7 A No, I did not.

8 Q Did you ever talk to Brown & Schwaninger in
9 person, or by telephone, or have any actual conversations
10 with anyone from Brown & Schwaninger?

11 A I passed three telephone calls from Brown &
12 Schwaninger to Ron Brasher, but I never had any specific
13 conversations with them.

14 Q So anything that was filed by Brown & Schwaninger
15 on your behalf was done through Ron, is that correct?

16 A That's correct.

17 MS. LANCASTER: I have no further questions, Your
18 Honor.

19 THE COURT: I have a few that I think it would be
20 fair to ask before Mr. Romney asks his.

21 Look at the big thick book, Exhibit 19. Page
22 four. You can go with the stamped numbers on the bottom.

23 Right here?

24 THE COURT: You know, I got the wrong page.

25 Page three.

1 THE WITNESS: May I ask a question?

2 THE COURT: Sure.

3 THE WITNESS: How do you -- this whole thing?

4 THE COURT: I can't tell you.

5 (Laughter)

6 THE WITNESS: I've not seen this before then,
7 right? Except for when we looked at it?

8 THE COURT: Except for when we looked at it. I
9 mean I don't know if you've seen it before, and it's
10 something somebody might want to ask, but not me.

11 Before you -- This is all relating to the 1996
12 period. Forget about the 1990 stuff.

13 THE WITNESS: Okay.

14 THE COURT: Before you applied for your station,
15 and I'm using your station the way Ms. Lancaster used it.
16 Did anybody ask you if you would be willing to participate
17 fully in the operation of the facilities?

18 THE WITNESS: No, they didn't.

19 THE COURT: Did anybody ask you if you would be
20 willing to accept the risk of failure resulting out of the
21 operation of the station?

22 THE WITNESS: No, they didn't.

23 THE COURT: Did you understand, at that time did
24 you understand what the duties and responsibilities of
25 Commission licensing were?

1 THE WITNESS: Not particularly, no. I never read
2 any rules and regulations in regards to it, so no.

3 THE COURT: Did anyone explain what those duties
4 and obligations were?

5 THE WITNESS: No, they did not.

6 THE COURT: Did anyone ask you whether you would
7 be able to fulfill those duties and responsibilities?

8 THE WITNESS: No, they did not.

9 THE COURT: Did anybody ask you if you would be
10 willing to participate in the funding of construction of the
11 facilities?

12 THE WITNESS: No, they didn't.

13 THE COURT: Did anyone ask you whether you would
14 be willing to participate in the funding of the costs of the
15 operation of your station?

16 THE WITNESS: No, they didn't. In regards to
17 cost, they specifically said this will never cost you any
18 money.

19 THE COURT: Did anybody ask you whether you would
20 be willing to actively participate in the sales of service
21 and equipment provided to customers of your station?

22 THE WITNESS: No, not specifically.

23 THE COURT: Did anybody ask you generally?

24 THE WITNESS: Well, my duties as
25 secretary/treasurer of Metroplex Two Way would have involved

1 me in that because I would type sales orders, I would type
2 invoices, I would type repeater, set up repeater accounts.
3 So I would have been involved in the paperwork generated by
4 the sale of a radio that would go on that station.

5 THE COURT: Did anybody specifically associate
6 those duties and responsibilities to your particular
7 station?

8 THE WITNESS: No, they did not.

9 THE COURT: Did anybody tell you that if you did
10 not allow somebody else to manage your station then you
11 wouldn't be permitted to make application for that station?

12 Did you follow the question?

13 THE WITNESS: No, could you repeat that again?

14 THE COURT: Sure.

15 Did anybody tell you that in order to get your
16 station you would have to let someone else manage it?

17 THE WITNESS: No, they did not.

18 (Pause)

19 THE COURT: I'm looking for something specific but
20 I can't find it so we might want to go off the record.

21 (Pause)

22 THE COURT: Back on the record.

23 Just for the reference of the people trying to
24 follow my questioning, I'm looking at Exhibit 19, page 10,
25 paragraph 10A.

1 (Pause)

2 THE COURT: Did anybody tell you that if the
3 amount of revenue derived from the operation of your station
4 did not, was not enough to pay for the costs of running that
5 station that the difference would be linked to you?

6 THE WITNESS: No, they did not. Absolutely not.

7 (Pause)

8 THE COURT: Did anybody tell you that if the
9 revenues -- Remember I asked you about if the amount of
10 revenues derived from the operation of the station were not
11 enough to cover the costs of operating that station that
12 such amounts would be linked to the licensees, and you said
13 that nobody ever told you that?

14 THE WITNESS: Yes, that's correct.

15 THE COURT: Did anybody ever tell you that if the
16 agreement, if the -- Did anybody ever tell you that there
17 would come a time that you would have to repay the money
18 that was lent?

19 THE WITNESS: No. Nothing was ever said in the
20 way of lending money or paying back money. The only monies
21 that were mentioned in regards to this were this will never
22 cost you any money to have this station.

23 THE COURT: Let's say your station was --

24 THE WITNESS: If my station was not profitable or
25 whatever, none of that was ever brought up. It was just,

1 this won't cost you anything.

2 THE COURT: And that's the extent of it.

3 THE WITNESS: That's the extent of anything that
4 was ever said as far as it costing me money or lending me
5 money -- that was it.

6 MS. LANCASTER: Your Honor, if I could ask Ms.
7 Lutz to identify one more exhibit prior to turning over the
8 testimony I'd appreciate it.

9 THE COURT: Any objection to that?

10 MR. ROMNEY: No, sir.

11 MR. WILSON: No, sir.

12 DIRECT EXAMINATION CONTINUED

13 BY MS. LANCASTER:

14 Q Ms. Lutz, would you turn to page 229 in Exhibit
15 19.

16 A 229?

17 Q 229, yes.

18 A Okay.

19 Q Do you recognize that document?

20 A It's a document typed on Metroplex Two Way Radio
21 stationary.

22 Q Did you type it?

23 A I may have typed it. I don't specifically
24 remember typing it, no.

25 Q If I told you that this -- We've had testimony

1 that this is a list of names that were to be submitted to
2 John Black for him to prepare applications for licensees in
3 Allen, and that there has been testimony that --

4 THE COURT: Why don't we just stop there.

5 Would that help refresh your recollection as to
6 this document?

7 THE WITNESS: No, because I don't really have any
8 idea what this document is. It's just a list of names and
9 addresses, but I don't really recognize it, no.

10 THE COURT: Are you familiar with the name John
11 Black?

12 THE WITNESS: John Black, yes. He's the license
13 consultant that Ron Brasher used in applying for licenses.

14 THE COURT: You don't remember specifically typing
15 this?

16 THE WITNESS: No, I don't.

17 THE COURT: So that if someone else said that you
18 did type it, you wouldn't have any problem with that?

19 THE WITNESS: If somebody else said I typed it, I
20 could have typed it. I just don't remember. She said
21 something about a list of names for sites at Allen -- That
22 doesn't tell me anything as to why I would recognize having
23 typed this.

24 As far as I'm concerned, I didn't type it because
25 I don't recognize it as something that I typed.

1 BY MS. LANCASTER:

2 Q Ms. Lutz, were you ever told to type of a list of
3 names to be sent to Mr. Black regarding the people on that
4 list becoming licensees at Allen? Do you recall that at
5 all?

6 A No.

7 Q Did you ever tell either Patricia or Ronald or
8 anyone else at DLB that you specifically wanted to be
9 included on any list that was sent to Mr. Black to prepare
10 applications for the Allen site?

11 A No. I do not.

12 Q Did you ever make it known at all that you wished
13 to be a licensee back in 1995, 1996 timeframe?

14 A No. I never asked to be a licensee ever.

15 Q What was the first time that conversation ever
16 came up about you being a licensee?

17 A When Ron Brasher asked me to allow him to apply
18 for a license in my name.

19 Q And how long before you actually filled out the
20 license application did that conversation occur, do you
21 recall?

22 A Probably, if I said yes it just happened
23 immediately, within a day or two.

24 Q So there were no other conversations about you
25 becoming a licensee?

1 A No.

2 Q And you didn't request any application?

3 A No, I did not.

4 MS. LANCASTER: I have no further questions.

5 THE WITNESS: May I state something else in
6 regards to this list here after looking at it some more?

7 THE COURT: Yes. You were talking about page 229.

8 THE WITNESS: Page 229 in here.

9 This doesn't look like the way I would have typed
10 something if I had been asked to type a list. This doesn't
11 look like the way I would have typed it.

12 BY MS. LANCASTER:

13 Q In what way does it not look like your list?

14 A Some of them are typed in all capital letters, and
15 then some of them are in lower case letters, and then some
16 of them are all capital letters, and some there's a mixture
17 of both. This is not the way I would present typing for my
18 job purposes. Do you see what I'm saying?

19 Q Let's look at the first name up there, it says
20 David Brasher.

21 A David L. Brasher, 2910 West Bend Drive. See,
22 that's not even David's address. I wouldn't put David's
23 address there, because that's not where David lives.

24 If someone asked me to type a document like this
25 with these addresses on it, I would start asking questions.

1 Well that's not David's address, why do you want me to type
2 that?

3 Q In 1996, what was David's address?

4 A 224 Molina Drive, or 226, one of them. They live
5 next door to each and I can't ever remember if it's 222,
6 224, or 226. But right next door.

7 Q But at that time he lived on Molina Drive?

8 A He's lived on Molina Drive for as long as I can
9 remember.

10 Q As far as that first entry with David, David L.
11 Brasher is in all caps, is that what you're talking about?

12 A Uh huh. Then the street name is in all caps, but
13 the city and state are small and large. And I wouldn't have
14 typed it like that.

15 If I started it in all caps, then it would have
16 continued in all caps. But my first thing would have been
17 why is that address there because that's not David's
18 address.

19 THE COURT: And you don't remember asking anybody
20 that?

21 THE WITNESS: No, I didn't. I would have asked,
22 and no, I don't remember asking.

23 THE COURT: What if somebody gave you a
24 handwritten list with these names and addresses on it and
25 just said type it?

1 THE WITNESS: I still would have asked why David's
2 address was wrong. Because if it's wrong, I'm responsible
3 for how it goes out so I want it to go out right, so I would
4 have asked, why am I putting this address on there?

5 BY MS. LANCASTER:

6 Q Let's go down to the third name on the list, where
7 it says DL Brasher.

8 A Okay.

9 Q Is that David's correct address?

10 A That's David's correct address, yes. 222 Molina
11 Drive, Sunnyvale, Texas.

12 Q So would you have inquired why David's name, did
13 you know that DL Brasher is the same as David Brasher?

14 A I would have assumed DL Brasher was David Lynn
15 Brasher.

16 Q Would you have questioned why it was put in DL's
17 name and it had a different address?

18 A I would have questioned -- Yeah I probably would
19 have questioned why have you got David L Brasher up here
20 with this wrong address, and DL Brasher down here with the
21 correct one? Are they one and the same or are they
22 different people?

23 Q Look at the second entry on there, the second name
24 on that left hand list. That's your name isn't it?

25 A The second name?

1 Q I'm sorry.

2 A No. My name is six from the top. Carolyn Sue
3 Lutz.

4 Q If you saw your name on a list, would you have
5 inquired as to why your name was on that list?

6 A Absolutely. If my name is going to be typed on a
7 list, I'm going to want to know why it's being typed there.

8 Q And what they were going to do with the list?

9 A And what they were going to do with the list
10 because this piece of paper doesn't tell me what they're
11 going to do with the list, so I would have wanted to know.
12 And if I'd have typed it, I would have asked the question.

13 Q And the name right above yours, Ruth Bearden. Do
14 you know Ruth Bearden?

15 A I know who she is now, but I didn't know it up
16 until the Net Wave investigation came along.

17 Q Did you know Ronald's mother?

18 A I knew Ronald's mother as Mrs. Brasher. That's
19 all I ever referred to her as.

20 Q Had you ever heard anyone calling her Ruth
21 Bearden?

22 A No. I had not. Ruth Bearden, I asked who that
23 was, when the Net Wave investigation came out and I saw her
24 name listed, I asked who that was. Diane told me that was
25 Ronald's mother. I said oh, Ronald's mother? She said yes,

1 that's her maiden name.

2 Q Do you know Norma's correct address?

3 A I believe that you've got her address listed there
4 as 4008 Harbinger. I don't believe that that's her correct
5 address. I think her correct address is 4406 Harbinger?
6 I'd have to have my address book. But 4008 Harbinger Drive
7 is not Norma's address, no.

8 THE COURT: Let me just note for the record, when
9 the witness said 440 -- What was it?

10 THE WITNESS: 4406, I think.

11 THE COURT: At the end of whatever sentence that
12 was, there should be a question mark because I think you
13 stated it -- I heard that you weren't sure that that was her
14 address, so I believe there should be a question mark at the
15 end of that answer. Does anybody disagree with that?

16 MR. WILSON: No, sir.

17 THE COURT: There's no way the record would have
18 picked that up.

19 BY MS. LANCASTER:

20 Q Ms. Lutz, if you had typed this list, would you
21 have questioned the address listed for Norma Sumpter?

22 MR. ROMNEY: Objection. Calls for speculation.

23 THE COURT: Sustained.

24 BY MS. LANCASTER:

25 Q Do these discrepancies in the address and the

1 different way that it was typed and the fact that your name
2 is on this list indicate to you that you have never seen
3 this list before?

4 MR. ROMNEY: Objection. Calls for speculation,
5 Your Honor, and it's leading.

6 THE COURT: Well, why don't you ask in light of
7 the testimony you've given, do you think blah, blah, blah.

8 THE WITNESS: Shall I answer that question from
9 your end then?

10 THE COURT: Well, you have to fill in the blah,
11 blah, blah.

12 BY MS. LANCASTER:

13 Q In light of the testimony that you've given about
14 this particular page, do you think that you've ever seen
15 this list?

16 A No. I do not believe that I have ever seen this
17 list.

18 Q So you don't think you typed it?

19 A No, I don't think I typed it.

20 Q And you didn't ask that your name be included on
21 it.

22 Q No, I did not.

23 MS. LANCASTER: I have no further questions, Your
24 Honor.

25 THE COURT: Mr. Romney?

1 MR. ROMNEY: Ms. Lutz, my name is Mark Romney. We
2 met at your deposition. do you remember that?

3 THE WITNESS: Yes, I do.

4 CROSS-EXAMINATION

5 BY MR. ROMNEY:

6 Q This Exhibit 19, page 229 that you have before
7 you, who did the typing at Metroplex at the time you were
8 employed there, ma'am?

9 A I did typing at Metroplex. The other
10 secretary/receptionist did typing at Metroplex. Diane did
11 typing at Metroplex. Pat Brasher did typing at Metroplex if
12 she was there.

13 Q You've never seen Ronald Brasher do any typing at
14 Metroplex, have you?

15 A Absolutely not. No.

16 Q He doesn't type, does he?

17 A Not as far as I know.

18 Q Isn't it a fact, ma'am, that you got a handwritten
19 list from Ronald Brasher including the people's names that
20 are on this page, 229?

21 A I have no memory of ever receiving such a
22 handwritten list, no.

23 Q And you don't remember one way or the other, do
24 you?

25 A I do not believe I ever received a list of this

1 nature.

2 Q Ma'am, before you sat down here today, before you
3 were asked about 20,000 questions about this Exhibit 229,
4 did you have any memory of ever typing a list? Or have you
5 come to that memory that you didn't type one only because of
6 the questions asked of you by counsel today?

7 MS. LANCASTER: Your Honor, I object. I think Ms.
8 Lutz brought it to our attention at first that she did not
9 believe that she typed this list, prior to me ever asking
10 her a question about it.

11 MR. ROMNEY: I would disagree.

12 THE COURT: I'll overrule the question.

13 Do you remember the question?

14 THE WITNESS: No.

15 THE COURT: It's basically -- Well, you can
16 restate it. I don't want to put words in your mouth.

17 MR. ROMNEY: Thank you.

18 BY MR. ROMNEY:

19 Q The question, ma'am, is when you first saw this
20 list of names, page 229 to Exhibit 19, the very first time
21 you were asked a question about it, as I recall, you stated,
22 "I may have typed it." Do you recall stating that?

23 A Yes, I do.

24 Q And it's only after numerous, numerous questions
25 from counsel that you now are convinced in your mind that